

### **REMARKS**

This Amendment responds to the Office Action mailed January 14, 2005 in the above-identified application. Based on the foregoing amendments and the following comments, reconsideration and allowance of the application are respectfully requested.

Claims 1, 4-6, 30, 32-36, 39 and 41 are pending for examination in the application. Claims 8-29 and 43-45 have been withdrawn from consideration. Claims 2, 3, 7, 31, 37, 38, 40 and 42 were previously cancelled. By this Amendment, claims 1, 6, 30, 34, 36 and 41 are amended. No new matter has been added.

The Examiner has rejected claims 1, 4-6, 30, 32-36, 39 and 41 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner asserts that the word "any" renders the claim indefinite. While Applicants do not agree with the Examiner's position, independent claims 1, 6, 30, 34, 36 and 41 have been amended to cancel the word "any". Accordingly, claims 1, 4-6, 30, 32-36, 39 and 41 are in full compliance with 35 U.S.C. §112, 2<sup>nd</sup> paragraph, and withdrawal of the rejection is respectfully requested.

The Examiner has rejected claims 1, 4-5, 30, 32-33 and 41 under 35 U.S.C. §103(a) as unpatentable over Chauvel et al. (US 6,754,781) in view of Tran (US 5,900,012). Claims 6, 34-36 and 39 are rejected under 35 U.S.C. §103(a) as unpatentable over Chauvel et al. in view of Donoghue et al. (US 6,751,700).

The rejections are respectfully traversed. The Chauvel et al. patent, which is the primary reference cited by the Examiner, was filed on August 17, 2001. By contrast, the present application has an earlier filing date of February 8, 2001. Since Applicant's filing date predates the effective date of the cited reference, the Chauvel et al. patent is not available as prior art against the present application (see MPEP §2136.03 (I) and MPEP §2141.01 (I)). Accordingly, the Examiner is requested to withdraw the rejection of claims 1, 4-5, 30, 32-33 and 41 as unpatentable over Chauvel et al. in view of Tran and the rejection of claims 6, 34-36 and 39 as unpatentable over Chauvel et al. in view of Donoghue et al.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,  
*Syed et al., Applicant(s)*

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